

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

WILLIAM J. WINDHAM and)
GWENDOLYN JOYCE WINDHAM,)
Plaintiffs,)
v.)
B. W. CAPPS & SONS, INC.,)
Defendant.)
)

CASE NO. 3:05 CV-472-M

**PLAINTIFFS' IDENTIFICATION OF
DEPOSITIONS TO BE USED AT TRIAL**

COME NOW, Plaintiffs herein and identify the following depositions that shall be utilized at trial in lieu of live testimony and for any required rebuttal:

1. Deposition of Dr. Thomas Bernard, M.D. taken on April 26, 2006 to be utilized as expert witness testimony regarding Plaintiff William Windham's injuries.
2. Deposition of Mr. Randy Lynn taken on April 25, 2006 to be utilized for factual evidence.
3. Any other deposition testimony needed to impeach any witnesses providing live testimony at trial.

This 22nd day of May, 2006.

SAMS, LARKIN & HUFF, LLP

/S/ JAMES BALLI

By: _____

James A. Balli
Attorney for Plaintiffs
Ala. Bar No. BAL036

376 Powder Springs Street
Suite 100
Marietta, GA 30064
(770) 422-7016

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing PLAINTIFF'S IDENTIFICATION OF DEPOSITION TESTIMONY upon all parties by electronic noticing procedures set forth by this Court as set forth below:

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This 22nd day of May, 2006.

SAMS, LARKIN & HUFF, LLP

/S/ JAMES BALLI
By: _____
James A. Balli
Attorney for Plaintiffs
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